COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JOHN J.H. "JOE" SCHWARZ

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today to join my colleagues in commemorating the 90th anniversary of the Armenian Genocide.

Beginning on April 24, 1915, the Armenian Genocide was a horrific act of mass violence that should be remembered in infamy as one of the most egregious violations of human rights to ever befall this planet.

It is altogether fitting that we should commemorate this horrible tragedy, and that we should take note of a further outrage: that the government of Turkey, as well as that of these United States, to this day—90 years after the crimes began—has failed to recognize the slaughter for what it was: genocide.

We are speaking of the murder of one-and-a-half million people.

Torture, starvation, death marches, the killing of innocent civilians—all crimes against humanity and completely deserving of the world's condemnation.

Today, I join my colleagues from the Congressional Caucus on Armenian Issues in calling upon the administration and the government of Turkey to formally recognize the Armenian genocide. Its time has come.

LADY MARAUDERS WIN STATE SOCCER CHAMPIONSHIP

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend the Lady Marauders of Marcus High School in Flower Mound, located in the 26th Congressional District of Texas, on their State Soccer Championship.

The Lady Marauders were coached to victory over North Mesquite by Kevin Albury who described his successful team as being very close-knit, "It's taken six years, but we finally did it. We said this was our time to do it, and our girls came ready to play."

This May, 14 of the winning players will graduate. Twelve of the 14 will continue their soccer career at the collegiate level; a fact that demonstrates the high caliber of the team. The win marked the Lady Marauder's first state title and third trip to the 5A state finals.

I am proud of these young ladies for their hard work and dedication to the sport of soccer. I am honored to represent these students, and their parents, teachers and especially their coach, in Washington. They are wonderful representatives of the great State of Texas, and I know that the Marcus Lady Marauders will continue to see many future successes.

THEODORE OLSON DEFENDS AN INDEPENDENT JUDICIARY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, Theodore Olson, most recently Solicitor General under President George Bush from June 2001 until July of last year, is without question one of the leading members of the American Bar, and a very important figure in conservative politics. Mr. Olson understands that there not only is no conflict between an energetic political and intellectual conservatism and a deep respect for an independent judiciary, but that in fact the two are, as American history shows, wholly complementary, and in some ways reinforcing.

On April 21, Mr. Olson published a cogent, well-argued essay in the Wall Street Journal headlined Lay Off Our Judiciary. The article is an impressive rebuttal to some of the irresponsible, thoughtless attacks that have been made both on specific judges and on the notion of an independent judiciary. Clearly, Mr. Olson makes these arguments out of a genuine commitment to the institution of an independent judiciary, and not because he takes one side or another in a particular dispute that has found its way to the courts or to Congress. As he notes, "calls to investigate judges who have made unpopular decisions are particularly misguided, and if actually pursued, would undermine the independence that is vital to the integrity of judicial systems."

Mr. Olson goes on to be very critical of various aspects of the nomination battles now occurring in the Senate. I do not agree with everything he says here, but the importance of his overall affirmation of the centrality of an independent judiciary to our system of governance is so relevant to current political debates that I ask that it be printed here.

[From the Wall Street Journal, Apr. 21, 2005]

LAY OFF OUR JUDICIARY

(By Theodore B. Olson}

A prominent member of the Senate leadership recently described a Supreme Court justice as "a disgrace." An equally prominent member of the leadership of the House of Representatives on the other side of the political aisle has characterized another justice's approach to adjudication as "incredibly outrageous." These excoriations follow other examples of personalized attacks on members of the judiciary by senior political figures. So it is time to take a deep breath, step back, and inject a little perspective into the recent heated rhetoric about judges and the courts.

We might start by getting a firm grip on the reality that our independent judiciary is the most respected branch of our government, and the envy of the world.

Every day, thousands and thousands of judges—jurists whose names we never hear, from our highest court to our most local tribunal—resolve controversies, render justice, and help keep the peace by providing a safe, reliable, efficient and honest dispute resolution process. The pay is modest, the work is frequently quite challenging, and the outcome often controversial. For every winner in these cases, there is a loser. Many disputes are close calls, and the judge's decision is bound to be unpopular with someone. But in this country we accept the decisions of judges, even when we disagree on the merits, because the process itself is vastly more important than any individual decision. Our courts are essential to an orderly, lawful society. And a robust and productive economy depends upon a consistent, predictable, even-handed, and respected rule of law. That requires respected judges. Americans understand that no system is perfect and no judge immune from error, but also that our society would crumble if we did not respect the judicial process and the judges who make it work.

We have recently witnessed tragic violence against judges, their families and court personnel in Chicago and Atlanta. These incidents serve as reminders of how vulnerable the judiciary is to those who may be aggrieved by judges' decisions. Violence and intimidation aimed at judges is plainly intolerable; all of us can, and should, be unequivocally unified on the proposition that judges must be protected from aggrieved litigants and acts of terrorism. The wall between the rule of law and anarchy is fragile; if it is penetrated, freedom, property arid liberty cannot long endure.

This is not to say that some judges don't render bad decisions. Arrogant and misguided jurists exist, just as such qualities may be found in the rest of the population, and our citizens and elected representatives are fully justified in speaking out in forceful disagreement with judges who substitute their personal values or private social instincts for sound jurisprudential principles. But the remedies for these aberrations consist of reasoned, even sharp, criticism, appeals to higher courts, and selection of candidates for judicial positions that respect limits on the roles of judges.

But, absent lawlessness or corruption in the judiciary, which is astonishingly rare in this country, impeaching judges who render decisions we do not like is not the answer. Nor is the wholesale removal of jurisdiction from federal courts over such matters as prayer, abortion, or flag-burning. While Congress certainly has the constitutional power, indeed responsibility, to restrict the jurisdiction of the federal courts to ensure that judges decide only matters that are properly within their constitutional role and expertise, restricting the jurisdiction of courts in response to unpopular decisions is an overreaction that ill-serves the long-term interests of the nation. As much as we deplore incidents of bad judging, we are not necessarily better off with—and may dislike even more—adjudications made by presidents or this year's majority in Congress.

Calls to investigate judges who have made unpopular decisions are particularly misguided, and if actually pursued, would undermine the independence that is vital to the integrity of judicial systems. If a judge's decisions are corrupt or tainted, there are lawful recourses (prosecution or impeachment); but congressional interrogations of life-tenured judges, presumably under oath, as to why a particular decision was rendered, would constitute interference with—and intimidation of—the judicial process. And there is no logical stopping point once this power is exercised.

Which member of Congress, each with his or her own constituency, would ask what questions of which judges about what decisions? Imagine the kinds of questions asked routinely in confirmation or oversight hearings. How can those questions be answered about a pending or decided case? And what if a judge refused to testify and defend his reasoning about a particular decision? Would an impeachment or prosecution for contempt of Congress follow? Either would be unthinkable. Federal judges are highly unlikely to submit to such a demeaning process and, if push came to shove, the public would undoubtedly support the judges.